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ABSTRACT

This report is a brief analysis of information from 47 states and non-state jurisdictions on use of the eligibility category, "developmental delay," for children up until their tenth birthday, as permitted under the 1997 Amendments to the Individuals with Disabilities Education Act. Relevant policy issues and concerns are also discussed. Results of the survey indicate that 40 states are using the term developmental delay or another classification that does not specify a disability. Other terms used include child with disabilities, early childhood special education, eligible preschool child, non-categorical, non-categorical preschool, pre-primary impaired, preschool child with a disability, preschool child requiring special education, preschool moderately delayed, and significant developmental delay. Twenty-two states are using non-disability specific terms for children ages 3 through 5 years, ten for children birth through 5, two for children 3 through 7, and six for other age ranges. As a result of the change in federal law, 35 states and territories are considering changes in policies or procedures related to the use of the developmental delay category. The most common changes under consideration are expansion of the age range, eligibility criteria for, or definition of, developmental delay, and overall adoption of the developmental delay category. (CR)

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PROJECT FORUM

NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION INCORPORATED

QUICK TURN AROUND – QTA

A BRIEF ANALYSIS OF A CRITICAL ISSUE IN SPECIAL EDUCATION

ISSUE: DEVELOPMENTAL DELAY

DECEMBER 1998

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Quick Turn Around Forum

QTA - a brief analysis of a critical issue in special education

Issue: Developmental Delay **December 1998**

Purpose

This QTA is a brief analysis of information from 47 states and non-state jurisdictions on use of the eligibility category, *developmental delay*, for children up until their tenth birthday, as permitted under the 1997 Amendments to the Individuals with Disabilities Education Act. Pertinent policy issues and concerns are also discussed.

Background

Since the early 1980's, early childhood educators and policy makers have been concerned about labeling and categorizing very young children using the disability terms originally designed for older children. When the Federal special education law was amended in 1986 (P.L. 99-457), the eligibility category *developmental delay* was established for children birth through two years, which provided the option of using a non-specific label for very young children. This term was not permitted for older children (Part B of this law); however, the 1986 Amendments did exempt states from reporting to the U.S. Department of Education the numbers of children, ages three through five years, by disability category.

In 1990, the Council for Exceptional Children's Division of Early Childhood inquired of the U.S. Department of Education's Office of Special Education Programs (OSEP) about use of the term *developmental delay* for children ages three through five years. OSEP responded that states could identify children ages three through five years as being developmentally delayed, but that state definitions had to "incorporate or cross- reference some or all of the definitions" in the current law. The next revision to the Federal special education law in 1991 (P.L. 102-119) granted states the option of adding a *developmental delay* eligibility category for children ages three through five years.

In spite of the options provided by Federal law, concerns about labeling children in their early years did not disappear. In response to these concerns, the 1997 Amendments to the Individuals with Disabilities Education Act provided state education agencies (SEA) and local education agencies (LEA) with yet another option—that of using the term *developmental delay* for children up until their tenth birthday. Once again, SEA and LEA policy makers and administrators, as well as other stakeholders (e.g., parents and advocates), had important issues to consider and discuss about the use of this option.

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EC 307094

Survey of States and Territories

As part of Project FORUM's work on its cooperative agreement with OSEP, a survey was sent to states and non-state jurisdictions requesting information on the *developmental delay* option. The purpose of the survey was to examine state policies, and identify issues and concerns in relation to this option. Forty-seven (47) surveys were returned during the months of March through June of 1998.

Survey Results

Of the 47 responding states and non-state jurisdictions, 40 are using the term *developmental delay* or another classification that does not specify a disability. Other terms used include: child with disability (OH), early childhood special education (KS), eligible preschool child (WV), non-categorical (AR), non-categorical preschool (LA, MO), pre-primary impaired (MI), preschool child with a disability (CO), preschool child requiring special education (CT), preschool moderately delayed (AZ), and significant developmental delay (WI). In Massachusetts and Iowa, non-specific terms are used at all ages—child in need of special education (MA), and eligible individual (IA).

States and non-state jurisdictions are using the *developmental delay* category and other non-disability specific terms for a variety of age ranges. Twenty-two are using it for children ages 3 through 5 years, ten for children birth through 5, two for children 3 through 7, and six for other age ranges. A table reporting the states using the above age ranges can be found on page 4 of this report.

Project FORUM's survey indicated that, as a result of the 1997 Amendments to the Individuals with Disabilities Education Act, 35 states and territories are considering changes in policies or procedures related to use of the *developmental delay* category, and one state (ID) has already made changes. The most common changes under consideration are as follows:

- Expansion of the age range (n=24)
- Eligibility criteria for, or definition of, *developmental delay* (n=5)
- Overall adoption of the *developmental delay* category (n=4)

When asked about the impetus for proposed changes, respondents noted that use of *developmental delay* or a similar category would:

- Allow for the provision of services with less concern about miscategorization in the early years (n=22)
- Facilitate transition from preschool to school-age services (n=21)
- Foster a "whole child" approach in the younger years (n=14)
- Prevent young children from "falling through the cracks" (n=3)
- Match with the state's move towards non-categorical classification (n=3)
- Reduce concern about inaccurate testing in the early years (n=2)

Six states indicated that the 1997 Amendments to the Individuals with Disabilities Education Act was the impetus for change related to the *developmental delay* category. Respondents also mentioned LEA interest, strong early childhood lobby, and consistency with theories of learning as an impetus for change.

Twelve states reported that they are not considering changes in policies or procedures related to the use of the *developmental delay* category. Reasons provided are as follows:

- Concern that increased numbers of children would be classified as disabled (n=6)
- Current classification system working well (n=5)
- Conflicting views held by stakeholders/concern about opening up a controversial issue (n=3)
- Too many other policy issues under consideration at this time (n=3)

Other reasons cited for not considering a change include: *developmental delay* too broad a term; concern about the use of IDEA resources without a clearly defined disability; related regulatory change pending; and insufficient data to evaluate impact.

Issues and Trends

When states and non-state jurisdictions were asked to comment on issues/trends related to the use of the eligibility category *developmental delay*, more than 25 different issues were raised. The most common issue, noted by 20 respondents, was concern about over-identification of young children (e.g., use of *developmental delay* as a "catch-all" term for "slow learners") and the increased numbers and costs associated with use of this term.

Nine respondents commented that use of the *developmental delay* category fit with the trend in their state or jurisdiction to provide earlier services without categorization, labeling, and strict eligibility guidelines. Seven other respondents made general positive statements about use of the *developmental delay* category.

Other issues noted that indicate concern about use of the *developmental delay* category are: unclear assessment and eligibility process (n=10); conflict between stakeholders (n=8); transition "out of" the *developmental delay* category (n=4); movement between jurisdictions that do and do not use the *developmental delay* category (n=4); decreased focus on specific disabilities, such as autism (n=2); and parents want specific information about their child's disability (n=2).

Task forces, work groups, public forums, and committees have been set up in at least 11 states/jurisdictions to examine the issues, concerns, and sentiments related to use of the *developmental delay* category. Stakeholders are involved in discussions, and in some cases, data are being collected and pilot projects established.

Summary

More than half of the states and non-state jurisdictions are considering policy changes related to the new option for identifying and serving young children with disabilities—use of the term *developmental delay* through age nine. The primary attraction of this option is the ability to provide special education services to young children without concern about mis-categorization, labeling, or inaccurate testing/assessment. Advocates see this option as embracing the "whole child" approach. However, in addition to the attractive features of this option, there are many issues and concerns that are plaguing states and non-state jurisdictions. Some have established task forces and other mechanisms for examining these concerns.

Use of Developmental Delay or Similar Term by Age Range

Age Range for Developmental Delay or Similar Term	States and Non-State Jurisdictions	N =
3 through 5 years	AL, AR, CO, CT, GA, IL, KS, KY, LA, MD*, MI, MO, NJ, NV, OH, OK, PA**, RI, SD, UT, WV, WI	22
Birth through 5 years	AZ, DODDS, FL***, ME, MS, NH***, OR, VT, VI, WA	10
3 through 7 years	TN, VA	2
3 and 4 year olds	NM	1
Birth through 6 years	MN	1
Three through 9 years	ID	1
Three year olds only	DE	1
All ages	IA, MA	2
Not used	AS, BIA, CA, IN, MT, NE, TX	7

* Maryland uses *developmental delay* for children 3 through 5 years on a voluntary basis. Each of the 24 local school systems has been participating in a pilot for the past five years or has indicated a willingness to pilot.

** In PA, the term *developmental delay* is used up to the point the child enters kindergarten, which could be 5.5 years depending on the cut- off date for school entry used by the LEA.

*** In FL and NH, the term *developmental delay* is used for children birth through 5 years, but birth - 2 and 3-5 are served by different agencies and the definitions for *developmental delay* are different.

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